Exhibit A

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

a Delaware corporation)	
Plaintiff,)	Civil Action No. 04-197(E)
v.)	JURY TRIAL DEMANDED
ELECTRALLOY, a Division of G.O. CARLSON, INC., a. Pennsylvania corporation)	Judge Cohill
Defendant.))	

DEFENDANT'S AMENDED RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, Nos. 1 and 11

Defendant Electralloy hereby amends its responses to Plaintiff's First Set of Interrogatories as follows:

GENERAL OBJECTIONS

The objections, definitions and instructions set forth in Defendant's Responses to Plaintiff's First Set of Interrogatories, Nos. 1-12, are incorporated herein by reference.

INTERROGATORIES

Interrogatory No.1:

With regard to Electralloy's adoption of "C22" and "EC22":

- (a) When did Electralloy adopt "C22" and "EC22";
- (b) Identify who at Electralloy was responsible for the decision to adopt "C22" and "EC22"; and

(c) Identify the reasons for Electralloy's decision to adopt "C22" and "EC22" rather than some other designation for the products.

Amended Response:

- (a) Electralloy adopted the "EC" designation in the late 1970's as Electralloy Corporation's trademark for identifying its metal alloy products that they produced. Sales records indicate first sales of EC22 at least as early as January 2002.
- (b) Subject to the General and Specific Objections, and without waiving the same, Defendant neither admits nor denies that it ever "adopted" either "C22" or "EC22." As such, Defendant cannot pinpoint one individual or individuals responsible for such alleged decisions. However, in response to Plaintiff's inquiry, and as per Defendant's Initial Disclosure Statement, Tracy Rudolph, Wayne Weaver and/or Mark Lewis are knowledgeable regarding Defendant's marketing initiatives.
 - (c) Unchanged.

Interrogatory No.2:

With regard to Electralloy's sale of alloy products under "C22" and "EC22":

(a) State the total dollar volume of sales by year and product form (e.g., ingot, pig, billet, bar, coil, rod, welded wire, etc.) in the United States for alloy products sold under

"C22" and "EC22" for each year since their introduction to the market and the price at which the products were sold;

- (b) Identify all customers to whom alloy products have been sold by Electralloy under "C22" and "EC22";
- (c) Identify the date of all such sales of alloy products sold under "C22" and "EC22" and the form in which the alloy products were sold (e.g., ingot, pig, billet, bar, coil, rod, welded wire, etc.); and
- (d) Identify Electralloy's profit from the sale of alloy products bearing "C22" and "EC22".

Amended Response:

Subject to the General and Specific Objections, and without waiving the same, pricing information related to various of Defendant's products has previously been provided at documents EC1-EC83. Likewise, information regarding customers, dates of sale, and type of product are available at documents EC1-EC83. Defendant maintains its objections to Interrogatory 2(c).

Interrogatory No.8:

Identify the factual basis for each Affirmative Defense claimed by Electralloy in its Answer, Counterclaim and Affirmative Defenses.

Amended Response:

Defendant is the exclusive owner of the common law mark, EC, which it uses in connection with its products. Defendant

has used the EC mark as a source indicator symbolizing "Electralloy Corporation" since at least as early as January 1, 1984. Defendant also owns numerous common law marks in which the prefix, EC, is used in connection with certain descriptive matter which relates to the goods in question. Goods provided under EC and the related EC-prefix marks are widely recognized as originating with Defendant. Plaintiff has alleged that Defendant's use of EC or EC22 is infringing the alleged trademark C-22 (the "Alleged Mark") and otherwise engaging in acts of unfair competition. Plaintiff's alleged trademark, "C-22," is generic or, at best, is merely descriptive and has not acquired secondary meaning. Numerous third parties use the "C-22" designator. The marks at issue are plains dissimilar as to appearance, sound, connotation and commercial impression. Defendant's use of the trademarks EC and EC22 is not likely to be confused with Plaintiff's Alleged Mark as to source, affiliation, sponsorship or approval. Among other reasons, the marks are distinguishable and Defendant's products differ in both form and use from Plaintiff's products. Further, during the course of this proceeding, it will be shown that application of the remaining DuPont factors weighs in favor of Defendant.

Interrogatory No.11:

Identify all third party uses of "C22" and/or "C-22" in connection with the sale of alloy products.

Amended Response:

Defendant refers Plaintiff to documents provided as EC254-406 which evidence third party use of "C22" and "C-22."

BLANK ROME LLP

Dated: July 29, 2005

Timothy D. Pecsenye, Esquire

PA I.D. 51339

Emily J. Barnhart, Esquire

PA I.D. 84895

Jennifer L. Miller, Esquire

PA I.D. 90373 One Logan Square

Philadelphia, PA 19103

Phone: (215) 569-5619

Facsimile: (215) 832-5619

CERTIFICATE OF SERVICE

The undersigned certifies that on this 29th day of July, 2005, an original and two copies of the foregoing DEFENDANT'S AMENDED RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, Nos. 1 and 11, was served on the attorneys for Plaintiff by first class mail, postage prepaid, addressed as follows:

Bryan H. Opalko, Esquire BUCHANAN INGERSOLL PC One Oxford Centre 301 Grant Street Pittsburgh, Pennsylvania 15219

JENNIFER L. MILLER

VERIFICATION

I, Tracy Rudolph, hereby state that I am familiar with the facts in Defendant's Answers to Interrogatories and the amendments thereto, that I am authorized to make this Verification on behalf of Electralloy, and that the facts set forth in Defendant's Answers to Interrogatories and the amendments thereto, are true to the best of my knowledge, information and belief.

Dated: September 23, 2005

By: TRACY RUDOLPH

022664.00115/11469964v.1

Exhibit B

"FILED UNDER SEAL"

Exhibit C

"FILED UNDER SEAL"

Exhibit D



Phone: (215) 569-5494
Fax: (215) 832-5494

Email: BARNHART@blankrome.com

August 29, 2005

VIA FEDERAL EXPRESS

Lynn Alstadt, Esquire Buchanan Ingersoll PC One Oxford Centre 301 Grant Street, 20th Floor Pittsburgh, PA 15219-1410

Re: Haynes International, Inc. v. Electralloy

Civil Action No. 04-197(E)

Dear Lynn:

Attached please find supplemental Electralloy document production bearing bates numbers: EC00407-EC00434. These documents have been designated "Confidential - Attorneys Eyes Only". All documents in this supplemental production came into existence subsequent to the time Electralloy employees pulled documents from their files for Electralloy's initial production, with the exception of EC00418-419, which corresponds to a Corrosion Materials purchase order that was previously produced. Electralloy confirms that it has produced all non-privileged responsive documents in its possession to Haynes' document requests.

Sincerely yours,

EMILY J**J.** BARNHARI

Exhibit E

"FILED UNDER SEAL"

Exhibit F

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HAYNES INTERNATIONAL, INC.,)	
a Delaware corporation)	
)	·
Plaintiff,)	Civil Action No. 04-197(E)
)	
v.)	JURY TRIAL DEMANDED
)	
ELECTRALLOY, a Division of G.O.)	
CARLSON, INC.,)	Judge Cohill
a. Pennsylvania corporation)	
)	
Defendant.)	

DEFENDANT'S AMENDED RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, No. 2(d)

Defendant Electralloy hereby amends its response to Plaintiff's First Set of Interrogatories No. 2(d) as follows:

GENERAL OBJECTIONS

The objections, set forth in Defendant's Responses to Plaintiff's First Set of Interrogatories, Nos. 1-12, are incorporated herein by reference.

Interrogatory No.2(d):

With regard to Electralloy's sale of alloy products under "C22" and "EC22":

(d) Identify Electralloy's profit from the sale of alloy products bearing "C22" and "EC22".

Amended Response:

Subject to and without waiving the General Objections,

Defendant objects to this Interrogatory as overbroad, vague and

unduly burdensome. Defendant further objects to this

Interrogatory because Defendant has never sold any product
bearing "C22". By way of further answer, subject to the General
and Specific Objections, and without waiving the same, Defendant
responds that it believes its profit margin for sales of EC22 is
approximately 5-20%.

BLANK ROME LLP

Dated: September 23, 2005

Timothy D. Pecsenye, Esquire Emily J. Parnhart, Esquire Jennifer L. Miller, Esquire

One Logan Square

Philadelphia, PA 19103 Phone: (215) 569-5619

Facsimile: (215) 832-5619

CERTIFICATE OF SERVICE

The undersigned certifies that on this 28th day of September, 2005, Defendant's Amended Response to Plaintiff's First Set of Interrogatories No. 2(d) and Verification to Defendant's Answers to Interrogatories and the amendments thereto were served on the attorneys for Plaintiff by Federal Express:

Lynn Alstadt, Esquire
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street
Pittsburgh, Pennsylvania 15219

SJ ABARNHART

VERIFICATION

I, Tracy Rudolph, hereby state that I am familiar with the facts in Defendant's Answers to Interrogatories and the amendments thereto, that I am authorized to make this Verification on behalf of Electralloy, and that the facts set forth in Defendant's Answers to Interrogatories and the amendments thereto, are true to the best of my knowledge, information and belief.

Dated: September 23, 2005

By: TRACYRUDOLPH

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